

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN DOE,
Plaintiff

V.

UNIVERSITY OF MASSACHUSETTS AMHERST,)
LOUIS B. WARD, Assistant Dean of Students, sued)
in his individual and official capacities,)
PATRICIA CARDOSO-ERASE, Associate Dean of)
Students, sued in her Individual and official capacities,))
DEBORAH D. FERREIRA, Title IX Coordinator, sued)
in her Individual and official capacities,)
Defendants)

CIVIL ACTION NO.
3:17-cv-30145

OPPOSITION TO PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY

Now come the Defendants University of Massachusetts Amherst (“UMass”), Louis B. Ward, Individually and in his official capacity, Patricia CardosoErase, Individually and in her official capacity, and Debora D. Ferreira, Individually, and in her official capacity (“Defendants”) and hereby oppose Plaintiff’s Motion for Expedited Discovery.

As set out in greater detail in Defendants' Opposition to Plaintiff's Motion for Temporary Restraining Order, Defendants submit that this entire case is premature. Plaintiff is seeking to block the process of the Student Conduct Hearing Board, which is the entity that makes factual determinations in student discipline cases where the facts are in dispute. Defendants submit that in order to assert the current claim, Plaintiff must ultimately establish that he has been harmed by the Defendants' violations of due process or by the Defendants' conduct in violation of Title IX. The Hearing Board should be permitted to perform its function before this case should proceed or before any discovery should be taken.

In addition, logistically, counsel for the Defendants will be retiring from UMass in the Spring; and it appears that this case will be taken over by an attorney from the Massachusetts Attorney-General's Office. In discussions with the head of the Trial Division of the Attorney-General's Office, she has advised that she is not yet able to respond to a discovery schedule, until a definite assignment has been made.

For all of these reasons, Defendants request that the Motion for Expedited Discovery be denied; and any issues involving discovery be held in abeyance until after a Hearing Board has been held in this matter.

WHEREFORE, for the above-stated reasons, Defendants respectfully request that the Motion for Expedited Discovery be denied.

Dated: November 3, 2017

UNIVERSITY DEFENDANTS

By their attorney,

/s/ Jean M. Kelley

Jean Marie Kelley, Esquire, B.B.O. #265540

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CERTIFICATE OF SERVICE

I, Jean Marie Kelley, counsel for the Defendants, hereby certify that this Opposition and Certificate of Service filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jean Marie Kelley

Jean Marie Kelley